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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CHICAGO DIVISION

RECEIVED

APR 10 2015

THOMAS G BRUTON
CLERK, U S DISTRICT COURT

Martin Padilla
Plaintiff

Case No.____

1:15-cv-03190

Judge Gary Feinerman

Magistrate Judge Jeffrey Cole

-v-

ARNOLD SCOTT HARRIS, P.C.
Defendant

COMPLAINT

Plaintiff, Martin Padilla Individually, hereby sues Defendant, ARNOLD SCOTT HARRIS, P.C. for violations of the Fair Debt Collections Practices Act (FDCPA) 15 U.S.C. & 1692, and the Illinois Collection Agency ACT (ICAA), ILCS 425/1- to 425/25.

PRELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. & 1692., Fair Debt Collection Practices Act (FDCPA) 15 USC & 1692 g, Fair Debt Collection Practices Act (FDCPA) 15 USC & 1692 g (a)(3), and the ILLINOIS COLLECTION AGENCY ACT (ICAA), ILCS 425/ 1-TO 425/5.

JURISDICTIONS AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. & 1681p, 735 ILCS 5/2-102, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. & 1367.
3. Venue is proper pursuant to 28 U.S.C. & 1391b and 735 ILCS 5/2-102ca. Venue in this District is proper in that the Plaintiff Martin Padilla resides here, the Defendants ARNOLD SCOTT HARRIS, P.C. transact business here, and the conduct complained of occurred here.
6. This is an action for damages which exceed \$5,000,00.

PARTIES

4. Plaintiff, Martin Padilla, is a natural person and is a resident of the State of Illinois.
5. Upon information and belief Defendant, ARNOLD SCOTT HARRIS, P.C. ("ARNOLD") is an known entity (Corporation) authorized to do business in Illinois.
Agent Name: MS REGISTERED AGENT SERVICES.
Agent Address: 191 N WACKER DR SUITE 1800, CHICAGO IL 60606
6. Upon information and belief Defendant ARNOLD SCOTT HARRIS, P.C. ("ARNOLD"), is a domestic BCA corporation, authorized to do business in Illinois.

FACTUAL ALLEGATIONS

7. On or about February 23, 2015 defendant ARNOLD SCOTT HARRIS, P.C. send a debt collection letter to Plaintiff, Martin Padilla demanding payment from an account named: CITY OF CHICAGO-DEPARTMENT OF FINANCE. See exhibit "A"
8. The letter from Defendant ARNOLD SCOTT HARRIS, P.C. Have violations under the Fair Debt Collection Practices Act (FDCPA and the Illinois Collection Agency Act (ICAA) The violations are: 15 USC & 1692 g "Failure to send the Consumer a 30-day validation Notice within 5 days of the initial communication." and 15 USC & 1692 g(a)(3) " Must state Right to Dispute within 30 Days." and under the Illinois Collection Agency Act (ICAA) 225 ILCS 425/9.3 Sec (a) and 225 ILCS 425/9.3 Sec (a)(3)
9. On or about March 9, 2015. Plaintiff Martin Padila send a "Validation of Debt letter" Disputing the debt under 15 USC & 1692 g(B) "Collector must cease collection efforts until debt is validated." Certified Mail Number: 7013-2630-0000-6794-9597, Delivered on March 12, 2015 at 8:57 A.M. according to the USPS Tracking Website.
10. Defendant ARNOLD SCOTT HARRIS, P.C. failed to send proof of the Verification request after the 30 day period requested in the "Validation of Debt Letter" send by Plaintiff on March 9, 2015.
11. Defendant ARNOLD SCOTT HARRIS, P.C. is in violation of (FDCPA) 15 USC & 1692 g, 15 USC & 1692 g (a)(3) and (ICAA) Illinois Collection Agency Act 225 ILCS 425/9.3 Sec (a) and 225 ILCS 425/9.3 Sec (a)(3)
Plaintiff is precluded as a matter of law from bringing the action in any court of Illinois.

COUNT I

VIOLATION OF FAIR DEBT COLLECTION
PRACTICES ACT (FDCPA), 15 U.S.C. & 1692
BY DEFENDANT ARNOLD SCOTT HARRIS, P.C.,

12. Plaintiff Martin Padilla alleges and incorporates the information in paragraphs 1 through 11

13. Plaintiff Martin Padilla is a consumer within the meaning of the FDCPA, 15 U.S.C. & 1692a(3)

14. Defendant ARNOLD SCOTT HARRIS, P.C. is a debt collector within the meaning of the FDCPA, 15 U.S.C. & 1692a(6).

15. Defendant ARNOLD SCOTT HARRIS, P.C. violated the FDCPA. Defendant's violations include, but are not limited to, the following: (a) 15 U.S.C. & 1692g by Failure to send the consumer a 30 day validation notice within five days of the initial communication.

(b) Defendant ARNOLD SCOTT HARRIS, P.C. violated 15 U.S.C. & 1692g(a)(3) by failure to print in the initial communication letter "Must state Right to Dispute within 30 days."

WHEREFORE, Plaintiff Martin Padilla demands judgment for damages against ARNOLD SCOTT HARRIS, P.C. for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 735 ILCS 5/2-102(a)

COUNT II
VIOLATION OF ILLINOIS COLLECTION AGENCY ACT
(ICAA) ILCS 425/1 TO 425/25 BY DEFENDANT ARNOLD SCOTT HARRIS, P.C.

16. Plaintiff alleges and incorporates the information in paragraphs 1 through 15.

17. Plaintiff Martin Padilla is a consumer within the meaning of (225 ILCS 425) Sec. 2

18. ARNOLD SCOTT HARRIS, P.C. is a debt collectors within the meaning of (225 ILCS 425/2) Sec. 2

19. Defendant ARNOLD SCOTT HARRIS, P.C. violated 225 ILCS 425/9.3 Sec. 9.3 (a)
Failure to send the consumer a 30 day validation notice within 30 days of the initial communications

20. Defendant ARNOLD SCOTT HARRIS, P.C. violated 225 ILCS 425/9.3 Sec 9.3
(a)(3)

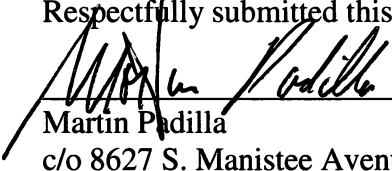
WHEREFORE, Plaintiff demands judgment for damages against ARNOLD SCOTT HARRIS, P.C. for actual or statutory damages, and punitive damages, attorney's fees

and costs, pursuant to 735 ILCS 5/2-102(a)

DEMAND FOR JURY TRIAL

Plaintiff Martin Padilla hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted this 10 th of April 2015.



Martin Padilla
c/o 8627 S. Manistee Avenue
Chicago, Illinois 60617
(773) 800-8890

ATTACH TO THIS COMPLAINT: Exhibit "A" and "Affidavit of Facts"

Attorneys At Law

111 West Jackson Boulevard, Suite 600

Chicago, IL 60604-4135

(312)423-7514

Case: 15-1199 Document #: 1 Filed: 04/10/15 Page 5 of 6 PageID #: 5
City of Chicago Department of Finance

Violation(s):

1

Account Number

64707140

Amount Due

\$488.00



February 23, 2015

EXHIBIT "A"

PAY THIS AMOUNT

CALL TODAY TO PAY YOUR DEBT AND
AVOID FURTHER COLLECTION ACTIVITY

Dear Martin Padilla,

The CITY OF CHICAGO, DEPARTMENT OF FINANCE has referred your outstanding debt related to parking, compliance and/or camera enforced violations to our law firm for collection.

An administrative judgment has been entered against you. By paying your outstanding debt now, you may be able to stop additional collection activities such as:

- Civil registration of the administrative judgment, which could include:
 - Garnishment of your wages
 - Attachment of your bank account
 - Filing a judgment lien against your property
- Booting and impoundment of your vehicle(s)
- Suspension of your driver's license
- Offset of state funds due to you
- Placing a hold on your business license with the City of Chicago

PAYING YOUR DEBT TODAY WILL
STOP COLLECTION ACTIVITY

To learn more about parking ticket enforcement, please call our office at:

(312)423-7514 or visit: www.cityofchicago.org/finance

By paying your balance in full or starting an approved payment plan, you will be removed from the boot list. You can pay with credit/debit cards over the phone by calling us today.

Description	Amount	Violation Date	Violation Location	Vehicle Make	Violation #
NO CITY STICKER VEHICLE U	\$488.00	10-08-13	8919 S COMMERCIAL	DODG	09184544695

The "Amount Due" listed above reflects the total balance referred to our firm. This notice only itemizes up to 5 violations and may not be a complete listing of the outstanding violations. To see a complete listing of your outstanding violations, visit www.cityofchicago.org/finance. You may have additional outstanding violations not referred to our firm. If you are in bankruptcy, please do not consider this letter a demand for payment; but please contact our office to provide us with the necessary information.

To ensure proper posting, please send your payment with the coupon below and reference your account number on your payment. Representatives are available for any questions you may have. Please contact us at: **(312)423-7514**

Monday-Thursday: 8:00am-8:00pm CST, Friday: 8:00am-6:00pm CST Saturday: 8:00am-noon CST

When you provide a check as payment, you authorize us to use information from your check to make a one-time electronic fund transfer from your account. In certain circumstances, such as for technical or processing reasons, we may process your payment as a check transaction.

Notice: See Reverse Side for Important Information

▲ Please Detach And Return In The Enclosed Envelope With Your Payment ▲

PO BOX 5625
CHICAGO, IL 60680-5625

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Personal & Confidential



MARTIN PADILLA
8627 S MANISTEE AVE
CHICAGO, IL 60617-3155

Creditor:	CITY OF CHICAGO - DEPARTMENT OF FINANCE
Account Number:	64707140
Amount Due:	\$488.00

Remit Payment to:

CITY OF CHICAGO
DEPT OF FINANCE
111 WEST JACKSON BOULEVARD, SUITE 600
CHICAGO, IL 60604-4135

ASH:WFD
495531
00011597

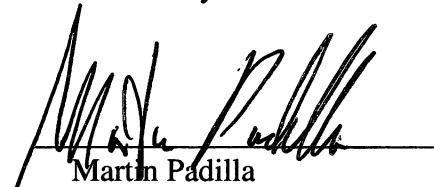
AFFIDAVIT OF FACTS

ILLINOIS STATE)
)
COUNTY OF COOK)

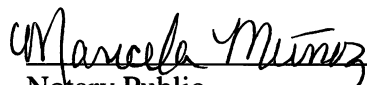
That I, Martin Padilla, a living breathing man, being first duly sworn, depose and say and declare by my signature that the following facts are true to the best of my knowledge and belief.

1. That on February 25, 2015 I received a letter from the corporation ARNOLD SCOTT HARRIS, P.C that letter was a debt collection letter demanding payment from the City of Chicago Department of Finance.
2. That the letter from the corporation ARNOLD SCOTT HARRIS, P.C. After inspecting, have violations under the Fair Debt Collection Practices Act 15 USC & 1692g and 15 USC 1692g (a) (3).
3. That on March 9, 2015 I send a validation of debt letter disputing the debt under 15 USC & 1692g (B) to ARNOLD SCOTT HARRIS, P.C. I send the letter by certified mail number: 7013-2630-0000-6794-9597, and after I personally checked on the USPS tracking website was delivered on March 12, 2015 at 8:57 A.M.
4. That ARNOLD SCOTT HARRIS, P.C. failed to send proof of the verification request after de 30 days period request in the "validation of debt letter" send by me Martin Padilla on March 9, 2015.

Date April 14, 2015


Martin Padilla

Sworn in and suscribed before me this 10th day of April 2015

 SEAL
Notary Public
My commission expires 3/09/2019

